<div align="center">**REMARKS**</div>

Claims 22-127 are pending in the Application. Claims 22-64, 67-102, 105-117, and 120-127 were rejected, and claims 65, 66, 103, 104, 118, and 119 were objected to in the Office action mailed October 31, 2008. No claims are amended by this response. Claims 22, 40, 54, 68, 83, 98, and 113 are independent claims, while claims 23-39, 41-53, 55-67, 69-82, 84-97, 99-112, and 114-127 depend, respectively, from claims 22, 40, 54, 68, 83, 98, and 113. Applicants respectfully request reconsideration of claims 22-127, in light of the remarks that follow.

The Applicants note that a goal of patent examination is to provide a prompt and complete examination of a patent application.

> It is **essential** that patent applicants obtain a prompt yet complete examination of their applications. Under the principles of compact prosecution, <u>each claim should be reviewed for compliance with every statutory requirement for patentability in the initial review of the application</u>, even if one or more claims are found to be deficient with respect to some statutory requirement. Thus, <u>USPTO personnel should state all reasons and bases for rejecting claims **in the first Office action**</u>. Deficiencies should be explained clearly, particularly when they serve as a basis for a rejection. Whenever practicable, USPTO personnel should indicate how rejections may be overcome and how problems may be resolved. **A failure to follow this approach can lead to unnecessary delays in the prosecution of the application**.

M.P.E.P. §2106(II) (emphasis added).

Thus, the Applicants assume, based on the goals of patent examination noted above, that the current Office Action sets forth "<u>all</u> reasons and bases" for rejecting the claims.

Further, no claims are amended by this response. Therefore, no new issues are raised that would necessitate a new search.

Rejections of Claims

Claims 22-53, 55, 56, 68-97, 105, and 120 were rejected under 35 U.S.C. §112, first paragraph. Claims 54, 57-64, 67, 98-102, 106-117, and 121-127 were rejected under 35 U.S.C. §103(a) as being unpatentable over Focsaneanu, et al. (US 5,610,910, hereinafter "Focsaneanu"). Applicants respectfully traverse the rejections.

Rejections under 35 U.S.C. §112

Claims 22-53, 55, 56, 68-97, 105, and 120 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Applicants respectfully traverse the rejection.

Regard claims 22, 55, 68, 83, 105, and 120, the Office states, in part, at page 2:

> The examiner could not find support in the specification for "the at least one processor capable of prompting a user of the first telephony device for a packet network address corresponding to the second telephony device, if it is determined that a packet network address corresponding to the information identifying the second telephony device is not available". If the applicant can find support in the specification the examiner with withdraw the rejection.

With specific regard to claim 22, Applicants respectfully submit that support for Applicants' feature "...the at least one processor capable of prompting a user of the first telephony device for a packet network address corresponding to the second telephony device, if it is determined that a packet network address corresponding to the information identifying the second telephony device is not available..." may be found, at least, at Figs. 55a, 56a, and 63, and at pages 271-277 and 309-316 of the Specification. More specifically, Applicants' disclosure, in describing the process of placing a voice call over the Internet, specifically states, in part, at page 312, lines 13-16, "...If the computer 6301 fails to identify the corresponding internet address, a phone message **prompts** for entry of that **internet address** via the computer 6301 into the cross-reference database." (emphasis added) Applicants respectfully submit that the "computer 6301"

clearly teaches "at least one processor." Further, Applicants respectfully submit that one of ordinary skill in the art would immediately and unquestioningly recognize, upon reading and appreciating Applicants' disclosure, that Applicants' teaching of a phone message that "prompts for entry" of an "internet address" as described in the cited portion of the Application provides the necessary support for Applicants' claimed feature "...the at least one processor capable of prompting a user of the first telephony device for a packet network address corresponding to the second telephony device, if it is determined that a packet network address corresponding to the information identifying the second telephony device is not available...," contrary to the assertion by the Office. Therefore, Applicants respectfully submit that claim 22 is in compliance with 35 U.S.C. §112, first paragraph.

With regard to claims 55, 68, 83, 105, and 120, Applicants respectfully submit that claims 55, 68, 83, 105, and 120 are rejected under 35 U.S.C. §112, first paragraph, for the same reasons set forth for the rejection of claim 22. Therefore, Applicants respectfully submit that claims 55, 68, 83, 105, and 120 are also in compliance with 35 U.S.C. §112, first paragraph, for at least the reasons set forth above. Accordingly, Applicants respectfully request that the rejection of claims 22, 55, 68, 83, 105, and 120 under 35 U.S.C. §112, first paragraph, be reconsidered and withdrawn.

With regard to claims 40-53, the Office states, in part, at page 3:

> The examiner could not find support in the specification for "A machine-readable storage, having stored thereon a computer program having a plurality of code sections for communicatively coupling a first telephony device and a second telephony device via a packet network, the code sections executable by a machine for causing the machine to perform the operations comprising ". If the applicant can find support in the specification the examiner with withdraw the rejection.

With specific regard to claim 40, Applicants respectfully submit that support for Applicants' claimed "...machine-readable storage, having stored thereon a computer program having a plurality of code sections for communicatively coupling a first telephony device and a second telephony device via a packet network, the code sections executable by a machine for causing the machine to perform the operations comprising ..." may be found at least at Figs. 55a, 56a, and 63, and at pages 271-277 and 309-316 of the Specification. While Applicants' Specification may not <u>explicitly</u> recite the language cited in the rejection, verbatim, Applicants respectfully submit that the Office has not identified any portion of 35 U.S.C., 37 C.F.R., or the M.P.E.P. that requires that such a verbatim recitation of the language of a claim must appear in Applicants' disclosure.

Applicants respectfully submit that the portions of Applicants' disclosure at pages 271-277 and 309-316 of the Specification describe the process of placing a voice call over a packet network [e.g., Internet] from the telephony device of a first party to the telephony device of a second party. Applicant' disclosure specifically states with respect to Fig. 55a, among other things, at page 271, lines 17-20, "...In the specific configuration of the computer 5515 of Fig. 55a, the <u>computer 5515</u> (Fig. 55a) can use the dialed number to establish a voice session through the premises network. To do this, the computer 5515 (Fig. 55a) delivers a call setup request packet, which includes the dialed number, onto the backbone LAN 5503 (Fig. 55a)." (emphasis added) Applicants' disclosure also states with respect to Fig. 63, at page 316, lines 3-6, "...if the user selects internet routing, the <u>computer</u> 6303 begins the internet connect processing described above in relation to initiation of <u>an internet call from the telephone 6321 to the telephone 6323</u>." (emphasis added) Applicants respectfully submit that the "computer 5515" and the "computer 6303" clearly teach "a machine", in that a "computer" may be defined as "2. a device used for computing; specif., an electronic <u>machine</u> which, <u>by means of stored instructions and information</u>, performs rapid, often complex calculations or compiles, correlates, and selects data...." (emphasis added) *See*, e.g., Webster's New World Dictionary of the American Language - Second Edition, ©1976, William Collins + World Publishing Company, page 292. In addition, Applicants respectfully

submit that one of ordinary skill in the relevant art at the time of the invention would immediately and unquestioningly recognize the term "storage" in the context of claim 40 to be any of a variety of types of memory connected to a computer. Therefore, Applicants respectfully submit that, contrary to the assertion by the Office, Applicants' Specification does indeed provide adequate support for the cited text of claim 40. That is, the text of claim 40 that recites, in part, "A machine-readable storage, having stored thereon a computer program having a plurality of code sections for communicatively coupling a first telephony device and a second telephony device via a packet network, the code sections executable by a machine for causing the machine to perform the operations comprising...." is fully supported by Applicants' disclosure. Therefore, Applicants respectfully submit that, for at least the reasons above, claim 40 is in compliance with 35 U.S.C. §112, first paragraph, and respectfully request that the rejection of claim 40 under 35 U.S.C. §112, first paragraph, be reconsidered and withdrawn.

Rejections Under 35 U.S.C. §103

Claims 54, 57-64, 67, 98-102, 106-117, and 121-127 were rejected under 35 U.S.C. §103(a) as being unpatentable over Focsaneanu. Applicants respectfully traverse the rejection. As an initial matter, Applicants respectfully note that the Office cites <u>only</u> Focsaneanu in the rejection of claims 54, 57-64, 67, 98-102, 106-117, and 121-127.

Applicants respectfully submit that the Office action has failed to establish a *prima facie* case of obviousness, in accordance with M.P.E.P. §2142. According to M.P.E.P. §2142, "[t]he examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness." M.P.E.P. §2142 further states that "[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious." As recognized in M.P.E.P. §2142, "[t]he Supreme Court in *KSR International Co. v. Teleflex Inc.*, 127 S. Ct. 1727 (2007), 82 USPQ2d 1385, 1396 noted that the

analysis supporting a rejection under 35 U.S.C. 103 should be made explicit." In addition, the Federal Circuit has made clear that "rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). See also *KSR*, 127 S. Ct. 1727 (2007), 82 USPQ2d at 1396.

In addition, M.P.E.P. §2143.03 states, 'To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re* Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re* Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re* Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).' (emphasis added)

With regard to independent claim 54, Applicants respectfully submit that claim 54 recites "[a] method for communicatively coupling a first telephony device and a second telephony device via a packet network, the method comprising: receiving, from the first telephony device, information identifying the second telephony device; determining whether a packet network address corresponding to the second telephony device is available; sending, to the packet network address corresponding to the second telephony device, a call setup request, if it is determined that a packet network address corresponding to the second telephony device is available; receiving, from the packet network address corresponding to the second telephony device, status information for the second telephony device; and notifying a user of the first telephony device of a busy condition, if status information indicating a busy condition is received." Applicants respectfully submit that the Office has not shown how and why Focsaneanu teaches or suggests all of the features of Applicants' claim 54, as required by M.P.E.P. §2142 and §2143.03.

The Office admits, at pages 3 and 4 of the Office action:

> Focaneanu [sic] does not explicitly disclose receiving, from the first telephony device, information identifying the second telephony device, determining whether a packet network address corresponding to the second telephony device is available, sending, to the packet network address corresponding to the second telephony device, a call setup request, if it is determined that a packet network address corresponding to the second telephony device is available, receiving, from the packet network address corresponding to the second telephony device, status information for the second telephony device, and notifying a user of the first telephony device of a busy condition, if status information indicating a busy condition is received.

Thus, the Office admits that Focsaneanu fails to teach <u>any</u> of Applicants' claimed features, "…receiving, from the first telephony device, information identifying the second telephony device, determining whether a packet network address corresponding to the second telephony device is available;…," "…sending, to the packet network address corresponding to the second telephony device, a call setup request, if it is determined that a packet network address corresponding to the second telephony device is available;…," "…receiving, from the packet network address corresponding to the second telephony device, status information for the second telephony device;…," and "…notifying a user of the first telephony device of a busy condition, if status information indicating a busy condition is received."

The Office then goes on to state, at page 4, that:

> Focaneanu [sic] discloses connecting customer premise equipment (CPE) such as a conventional telephone to a data network (the Internet) via an access network and a modem. Focaneanu [sic] discloses an access module which contains a database of user information such as a translation table for converting a telephone number into a packet network address (Internet address). Focaneanu [sic] discloses the system and hardware and software used to connect telephones via a packet network using telephone numbers and packet network address. Focaneanu [sic] discloses providing status information in order to complete the connections between telephones. Refer to Figures 3, 7, and 8 and column 2 line 58 to column 3 lines 15 and column

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> 7 line 10 to column 9 line 5 and column 9 lines 30 to 40 and
> column 11 lines 60 to 65.

This statement by the Office simply lists a catalog of things that the Office asserts are taught by Focsaneanu, but fails to provide any explanation of how and why these alleged disclosures of Focsaneanu teach the specific elements of Applicants' claim 54, or render Applicants' claim 54 obvious. Applicants respectfully submit that M.P.E.P. §2142 is clear, "[t]he examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness." Applicants respectfully submit that these statements by the Office fail to establish a *prima facie* case of obviousness.

The Office next offers the conclusory statement:

> At the time of the invention, it would have been obvious to an ordinary person of skill in the art to provide Focaneanu [sic] with <u>receiving, from the first telephony device, information identifying the second telephony device, determining whether a packet network address corresponding to the second telephony device is available, sending, to the packet network address corresponding to the second telephony device, a call setup request, if it is determined that a packet network address corresponding to the second telephony device is available, receiving, from the packet network address corresponding to the second telephony device, status information for the second telephony device, and notifying a user of the first telephony device of a busy condition, if status information indicating a busy condition is received</u>.

(emphasis added)

The above is merely a conclusory statement that Applicants' claim 54 features would have been obvious to one of ordinary skill in the art, followed by a simple repetition of Applicants' claim features (underlined). No rationale is provided, and no

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explanation or interpretation making explicit how and why one of ordinary skill in the art would arrive at Applicants' claimed subject matter in view of the cited art is offered.

Applicants respectfully submit that M.P.E.P. §2142 states that "[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious." M.P.E.P. §2142 also notes that the Federal Circuit has indicated that "...<u>rejections on obviousness cannot be sustained with mere conclusory statements</u>; instead, there **must** be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." (emphasis added) Applicants respectfully submit that the rejection of claim 54 provides no such "articulated reasoning", or any explanation of the rationale used in the rejection. The Applicants respectfully submit that the Office has not provided the explicit analysis to support a rejection under 35 U.S.C. 103, the importance of which was recognized by the Supreme Court in *KSR v. Teleflex* and as noted by the Office (*see* M.P.E.P. §2142.) Therefore, Applicants respectfully submit that claim 54 is allowable over Focsaneanu for at least the above reasons.

Due to the amount of text cited, Applicants will not reproduce the cited portions of Focsaneanu here. Applicants do, however, respectfully submit that the Applicants have been unable to identify where in the cited portions Focsaneanu teaches or suggests, at least, Applicants' claimed feature "...determining whether a packet network address corresponding to the second telephony device is available;...." Figs. 3 and 7 of Focsaneanu fail to make any mention of determining anything, let alone teach or suggest "...whether a packet network address corresponding to the second telephony device is available...," as claimed. Further, while Fig. 8 shows a "database 248", Focsaneanu fails to teach or suggest either in Fig. 8, or in any other figure or text of Focsaneanu (including the cited portions at col. 2, line 58 to col. 3, line 15, col. 7, line 10 to col. 9, line 5, col. 9, lines 30-40, and col. 11, lines 60-65) that the "database 248" is used in the manner claimed, namely, in "...determining whether a packet network address corresponding to the second telephony device is available;..." Therefore,

Applicants respectfully submit that the cited portions of Focsaneanu do not teach or suggest at least this aspect of Applicants' claim 54.

Further, based upon the above, Applicants respectfully submit that the Office has failed to show how and why Focsaneanu teaches at least Applicants' feature "...sending, to the packet network address corresponding to the second telephony device, a call setup request, <u>if it is determined that a packet network address corresponding to the second telephony device is available</u>;...." Applicants have shown above that Focsaneanu does not teach or suggest "...determining whether a packet network address corresponding to the second telephony device is available;...," as claimed. It necessarily follows in light of the above that Focsaneanu cannot teach or suggest "...sending, to the packet network address corresponding to the second telephony device, a call setup request..." based upon a "determination" <u>that Focsaneanu does not teach</u>. Therefore, Applicants respectfully submit that Focsaneanu does not teach or suggest at least this aspect of Applicants' claim 54.

Applicants also respectfully submit that the Office has not shown that Focsaneanu teaches or suggests, at least, Applicants' feature "...receiving, from the packet network address corresponding to the second telephony device, status information <u>for the second telephony device</u>;...," as claimed. While Focsaneanu does mention "status" as the status of "network resources" (*see id.* at col. 10 lines 42-45), Focsaneanu indicates that "network resources" are used for <u>carrying</u> a call to a destination, and does not teach or suggest "status" information for a "telephony device" initiating or receiving a call. Therefore, Applicants respectfully submit that Focsaneanu does not teach or suggest at least this aspect of Applicants' claim 54.

In addition, Applicants respectfully submit that the Office has not shown that Focsaneanu teaches or suggests, at least, "...notifying a user of the first telephony device of a busy condition, if status information indicating a busy condition is received." As shown above, Focsaneanu does not teach or suggest "status" information as recited by Applicants' claim 54. Further, Applicants respectfully submit that Focsaneanu fails to make any mention of "status" information received from a telephony device that

"indicat[es] a busy condition" of the telephony device. For at least these reasons, Applicants respectfully submit that Focsaneanu does not teach or suggest at least this aspect of Applicants' claim 54.

Applicants again respectfully note that the Office has not identified art other than Focsaneanu, and relies <u>only</u> upon Focsaneanu as teaching the subject matter of Applicants' claim 54.

Based at least upon the above, Applicants respectfully submit that the Office has not established a *prima facie* case of obviousness with respect to Applicants' claim 54, as required by M.P.E.P. §2142, that Focsaneanu does not render Applicants' claim 54 unpatentable, and that claim 54 and any claims that depend therefrom are allowable over Focsaneanu.

With regard to independent claims 98 and 113, Applicants respectfully submit that aspects of claims 98 and 113 are similar in many ways to the features of claim 54, which Applicants have shown above is allowable over Focsaneanu. Applicants respectfully submit that Focsaneanu fails to render claims 98 and 113 unpatentable for at least some of the reasons set forth above with respect to claim 54, that the Office has therefore failed to establish a *prima facie* case of obviousness in accordance with M.P.E.P. §2142, and that claims 98 and 113 are allowable over Focsaneanu.

Further, with regard to dependent claims 99 and 114, Applicants have shown above, with respect to the rejection of claim 54, that Focsaneanu does not teach or suggest, at least, "receive[ing] status information for the second telephony device from the packet network address corresponding to the second telephony device." The Office rejects claims 99 and 114 over the same portions of Focsaneanu used in the rejection of claim 54. It necessarily follows, then, that the Office has also failed to show where Focsaneanu teaches "...where the sent information comprises information to cause the communication system to, at least, receives status information for the second telephony

device from the packet network address corresponding to the second telephony device," as claimed. Applicants respectfully submit that claims 99 and 114 are, therefore, independently allowable over Focsaneanu for at least this reason, and respectfully request that the rejection of claims 99 and 114 be reconsidered and withdrawn.

With regard to dependent claims 100 and 115, Applicants have shown above, with respect to the rejection of claim 54, that Focsaneanu does not teach or suggest, at least, "receive[ing] status information for the second telephony device from the packet network address corresponding to the second telephony device." The Office admits, at page 7, that "...Focaneanu [sic] does not explicitly disclose establishing voice communication with the second telephony device via the communication system, if status information indicating acceptance of the call setup request is received by at least the communication system." Applicants respectfully submit that, for at least the reasons set forth above, Focsaneanu also does not teach "...establish[ing] voice communication with the second telephony device via the communication system, <u>if status information indicating acceptance of the call setup request is received by at least the communication system</u>," as claimed. Applicants respectfully submit that claims 100 and 115 are, therefore, independently allowable over Focsaneanu for at least these reasons, and respectfully request that the rejection of claims 100 and 115 be reconsidered and withdrawn.

With regard to claims 64, 102, and 117, Applicants respectfully submit that Focsaneanu fails to teach or suggest, at least, "...wherein sending and receiving comprise: communicating digitized voice information using modem signals," as claimed. The Office cites Focsaneanu at Fig. 3 and col. 2, line 59 to col. 3, line 15. Applicants respectfully submit that the Office has cited the entirety of Fig. 3 of Focsaneanu, and has failed to identify any specific element(s) or explain how and why Fig. 3 of Focsaneanu teaches Applicants' claimed subject matter, as required by M.P.E.P.

§2142. The Applicants now address the cited portion of Focsaneanu at col. 2, line 59 to col. 3, line 15, which states:

> FIG. 3 shows diagrammatically how data networks such as "Internet" are accessed through a telephone subscriber's loop. An individual end user subscribes to the service of a commercial network service provider 60. <u>Access to a data network is usually by dialing the telephone number of a commercial data network service provider using a modem.</u> Thus the end user CPE 62 uses a modem and makes a dialup connection to a local switch 64 by a subscriber's loop 66. The local switch 64 makes an inter-office trunk connection 68 to a terminating local switch 70 within a PSTN 72. The terminating local switch connects through a local loop 74 and a terminating modem to a service provider 60. After a proper modem handshaking protocol, the user inputs the address of a destination such as the "Internet" server with whom he desires a connection. <u>Data networks and database services are accessed using a TCP/IP protocol.</u> The "Internet" packet is routed over a T-1 link 76 (or other facilities) to the Internet 78. <u>In this arrangement, the local switches 64 and 70 as well as the interoffice trunk 68 are occupied for the duration of the connection, which is usually measured in hours</u> **rather than the shorter holding time associated with voice calls** <u>which are measured in minutes.</u> Consequently, very expensive common equipment in the PSTN is required for the duration of the "Internet" access, even during a period of inactivity by the end user.

(emphasis added)

According to the cited portion of Focsaneanu reproduced above, 'Fig. 3 shows how <u>data networks</u> such as "Internet" are accessed through a telephone subscriber's loop.' Although the cited portion of Focsaneanu mentions "voice", it fails to teach or suggest Applicants' feature "...wherein sending and receiving comprise: communicating digitized voice information using modem signals," as claimed. This is clear, particularly when one carefully reads the cited portion to see that Focsaneanu is referring to "data calls" for "Internet access" using a "TCP/IP protocol" that last hours, "...**rather than shorter holding time associated with voice calls** which are measured in minutes."

Applicants respectfully submit that, contrary to the assertion of the Office, the cited portion of Focsaneanu at col. 2, line 59 to col. 3, line 15 describes the use of a modem over a "subscriber's loop" to provide <u>data access</u> to the Internet, but does not describe such a connection for use in communicating digitized voice, as in a voice call. Therefore, Applicants respectfully submit that the cited portion of Focsaneanu does not teach or suggest at least this aspect of Applicants' claims 64, 102, and 117, and that claims 64, 102, and 117 are independently allowable over Focsaneanu for at least these reasons.

With regard to dependent claims 60, 109, and 124, Applicants respectfully submit that Focsaneanu does not teach or suggest, at least, "...wherein determining comprises: comparing the information identifying the second telephony device to at least one entry in a table, the at least one entry comprising information identifying a telephony device and a corresponding packet network address," as claimed. The Office cites Focsaneanu at Fig. 8 and col. 8, lines 11-45 as teaching Applicants' claims 60, 109, and 124. Applicants respectfully disagree. Applicants respectfully submit that the Office simply cites the entirety of Fig. 8 of Focsaneanu, without any explanation or interpretation to show how and why any of the elements of Fig. 8 teach Applicants' claimed features, as required by M.P.E.P. §2142. Applicants now address the cited text of Focsaneanu at col. 8, lines 11-45, shown below:

> A processor 246 performs a selection and enablement of either POTS service or data services in response to the identifying circuit. The access module also has a local database 248 or has access to a remote database, both of which store information concerning the user profile, address table and service provider profile, etc. A decoder 250 decodes the modem signal and a controller 252 analyzes the contents of a data connection request to identify the service requested. Upon identification of the type of service requested, the controller performs address conversion, protocol conversion, rerouting etc., and exchanges packetized data formed at PAD 254 (packet assembly/disassembly) with the data network in accordance

with information stored in the database. The information from the database may also call for multiplexing functions of signals from other line interfaces 256 by MUX 258.

The database contains a user service profile (USP), such information concerning the user subscribed service categories, the modalities of handling different types of traffic, and address conversion for easy addressing. The database may also contain protocol conversion, rerouting, and other information which may be required by transport networks for better management. The user service profile (USP) can be built as a subsystem in each access module, a separate computing module serving several access modules, or it can be integrated into existing capabilities such as intelligent network (IN) data storage and retrieval devices. Regardless of the specific implementation, the USP will facilitate remote access by the end-user, network provider and service provider to view, create, modify or erase information in a user service profile. The remote access capability will include several levels of security to provide protection of the database information, and the user or service provider may change privileges.

Although the cited text from Focsaneanu describes a "local database 248", that a "controller 252" analyzes the contents of a data connection request to identify the service requested, and that upon identification of the type of service requested, the "controller 252" performs address conversion, protocol conversion, rerouting etc., the cited text from Focsaneanu is silent with respect to "comparing" anything, let alone comparing "…information identifying [a] second telephony device to at least one entry in a table, the at least one entry comprising information identifying a telephony device and a corresponding packet network address," as claimed. Therefore, Applicants respectfully submit that the cited portion of Focsaneanu fails to teach or suggest at least these aspects of Applicants' claims 60, 109, and 124, and that claims 60, 109, and 124 are independently allowable over Focsaneanu.

Further, with regard to dependent claims 112 ands 127, Applicants have shown above, with respect to the rejection of claim 54, that Focsaneanu does not teach or suggest, at least, "...notify the telephony device of a busy condition, if the received status information indicates a busy condition...." The Office rejects claims 112 and 127 over the same portions of Focsaneanu used in the rejection of claim 54. It necessarily follows, then, that the Office has not shown where Focsaneanu teaches "...where the sent information comprises information to further cause the communication system to notify the telephony device of a busy condition, if the received status information indicates a busy condition," as claimed. Applicants respectfully submit that claims 112 and 127 are, therefore, independently allowable over Focsaneanu for at least this reason, and respectfully request that the rejection of claims 112 and 127 be reconsidered and withdrawn.

With regards to claim 67, Applicants respectfully submit that Focsaneanu does not teach or suggest, at least, "...wherein the notifying comprises: transmitting, to the first telephony device, at least one of a tone and prerecorded speech." The Office states, at page 11, that "...Focaneanu discloses transmitting, to the first telephony device, at least one of a tone (DTMF signal) and prerecorded speech, refer to column 9 line 40 to column 10 line 16." Applicants respectfully disagree. Applicants respectfully submit the cited portion of Focsaneanu does not teach the <u>transmission</u> of DTMF "to the first telephony device" as asserted by the Office, but in fact teaches the <u>recognition</u> of DTMF <u>received</u> from a telephony device. (*See id.* col. 9, line 57: "signaling **recognition** pulse or DTMF"). Thus, Focsaneanu does not teach or suggest "...wherein the notifying comprises: <u>transmitting, to the first telephony device</u>, at least one of a tone and prerecorded speech," as claimed. Therefore, Applicants respectfully submit that the Office has not shown where Focsaneanu teaches Applicants' claim 67, that claim 67 is independently allowable over Focsaneanu for at least these reasons, and request reconsideration and withdrawal of the rejection of claim 67.

Therefore, for at least the reasons set forth above, Applicants respectfully submit that the Office has failed to establish a *prima facie* case of obviousness with respect to claims 54, 98, and 113, as required by M.P.E.P. §2142, that Focsaneanu fails to render claims 54, 98, and 113 unpatentable, and that claims 54, 98, and 113, and any claims that depend therefrom are allowable over Focsaneanu, for at least the reasons set forth above. Because claims 55-67, 99-112, and 114-127 depend from allowable claims 54, 98, and 113, respectively, Applicants respectfully submit that dependent claims 55-67, 99-112, and 114-127 are also allowable over Focsaneanu. Applicants have further shown above that claims 60, 64, 67, 98, 99, 100, 102, 109, 112, 113, 114, 115, 117, 124, and 127, are independently allowable over Focsaneanu. Accordingly, Applicants respectfully request that the rejections of claims 54, 57-64, 67, 98-102, 106-117, and 121-127 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

Applicants respectfully note that the Office did not reject claims 22-53, 55, 56, 65, 66, 68-97, 103-105, and 118-126 as being unpatentable over any cited art, including Focsaneanu, and are also allowable.

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Reply to Office action of October 31, 2008

Conclusion

In general, the Office Action makes various statements regarding the claims and the cited references that are now moot in light of the above. Thus, Applicants will not address such statements at the present time. However, Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a rejection of any current or future claim).

Applicants believe that all of pending claims 22-127 are in condition for allowance. Should the Examiner disagree or have any questions regarding this submission, the Applicants invite the Examiner to telephone the undersigned at (312) 775-8000.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

Date: _____ March 31, 2009 _____   By: _/Kevin E. Borg/_____
                                                  Kevin E. Borg
                                                  Reg. No. 51,486

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